

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
301-344-0632

MEMORANDUM

TO: Counsel of Record

FROM: Judge Peter J. Messitte

RE: Bryant v. GEICO Casualty Company (NE)
No. 22-cv-3310

DATE: May 1, 2023

* * *

The Court has reviewed Plaintiffs' Conditional Motion for Leave to Conduct Limited Jurisdictional Discovery (ECF No. 21), Defendants' opposition thereto (ECF No. 33), and Plaintiffs' Reply (ECF No. 52). Plaintiffs request limited jurisdictional discovery to establish whether one or more exceptions to the Class Action Fairness Act ("CAFA") warrant remand of this case.

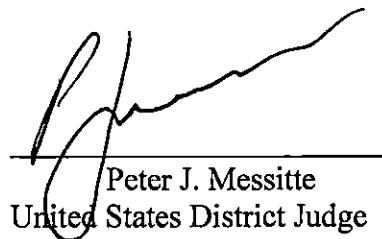
"Jurisdictional discovery 'is appropriate when the existing record is inadequate to support personal jurisdiction and a party demonstrates that it can supplement its jurisdictional allegations through discovery.'" *Est. of Manook v. Rsch. Triangle Inst., Int'l & Unity Res. Grp., L.L.C.*, 693 F. Supp. 2d 4, 15 (D.D.C. 2010) (citing *Trintec Indus., Inc. v. Pedre Promotional Prod., Inc.*, 395 F.3d 1275, 1283 (Fed. Cir. 2005)). In this case, the Court cannot decide if any CAFA exceptions apply without further information about the makeup of the proposed class. The Court is satisfied that Defendants have exclusive possession of this information and that they will be able to produce documents in response to the limited discovery requests without undue burden.

Accordingly, Plaintiffs' Conditional Motion for Leave to Conduct Limited Jurisdictional Discovery (ECF No. 21) is **GRANTED**. Within thirty (30) days of this order, counsel for the parties **SHALL** submit a proposed schedule for the jurisdictional discovery.

Plaintiffs' Motion to Remand (ECF No. 20) is **DENIED WITHOUT PREJUDICE**. Plaintiffs will be permitted to renew their Motion to Remand following the close of jurisdictional discovery.

The hearing on Defendants' Motion to Dismiss currently scheduled for June 20, 2023 at 11 a.m. is **CANCELLED**. A new hearing date will be set after jurisdictional discovery ends and the Court resolves any renewed Motion to Remand.

Despite the informal nature of this ruling, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.



Peter J. Messitte
United States District Judge

CC: Court file
Counsel of Record